

From: [Moran, Gloria-Small](#)
To: [Mueller, Brian](#)
Cc: [Werner, Robert](#)
Subject: RE: Falcon Refinery (06MC) -- Access To Property (Ingleside): Guidance - REPLY
Date: Thursday, May 16, 2013 12:49:13 PM

Hi Brian:

Bob and I have conferred on the comments from the Falcon Site owner and prepared suggested responses. As you and I discussed this morning, please review the responses and, if you are satisfied with the content of the responses, forward this email to your EA representative and initiate discussions for his/her recommendations.

1. Will we be added as additional insured when EA Engineering, Science, and Technology, Inc (EA) comes onto the property (Ingleside)?

Answer: Yes.

- Confer with EA and request to add LTRI as an additional insured party to the contractor insurance policy.
- If EA consents to this request, a sentence to the access agreement can be added that indicates that EA will add LTRI as an additional insured party to the their insurance policy.

2. Will we have notice of when the EPA or EA expect to be present and how long they would need to be at Ingleside?

Answer: Yes.

- You should determine a reasonable period necessary to complete the RI/FS (for example three years) and then add an additional six months to the three year period.
- You should add as a contingency that EPA may request an extension of time, if needed, from LTRI not to exceed (for example, one year?)

3. Will the Consent for Access to Property have language to assure us that the wells will be properly closed, equipment removed, and the property returned to the same condition, except "normal wear and tear"?

Answer: Yes.

- You can add a sentence to the access agreement that identifies any/all wells constructed by EPA's contractor will be properly closed, equipment removed, and the property returned to the same condition, except "normal wear and tear."
- Be sure your added narrative defines the term "properly closed" as it applies to any/all wells constructed by EPA's contractor.

4. Will this Consent for Access to Property include some limit on its duration, perhaps coupled with a practical process to extend the term if needed?

Answer: Yes.

5. See #2 above, second bullet.

6. Can this Consent for Access to Property include some process whereby the EPA and/ or EA will provide us with copies of the data resulting from the sampling on Ingleside?

Answer: Yes.



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- You can direct EPA's contractor to provide EPA with two copies of validated sampling data on Ingleside (one copy for EPA and one copy for LTRI).
- You can add a sentence to the access agreement that identifies EPA will provide LTRI with a copy of the validated sampling data on Ingleside that EPA receives from its contractor.

Gloria Moran

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From: Mueller, Brian
Sent: Wednesday, May 15, 2013 1:27 PM
To: Moran, Gloria-Small; Werner, Robert
Cc: Moore, Gary
Subject: FW: Access To Property (Ingleside): Guidance

Gloria and Bob

I received these comments from the new owner of the Falcon Site about the draft access agreement that I sent them. I would appreciate any guidance and suggestion you can offer on answering their questions/concerns. I am in the office the remainder of this week.

Thanks

Brian W Mueller RPM
EPA R6 Superfund
214 665-7167

From: Kwame Cain [<mailto:kcain@lazarusenergy.com>]
Sent: Wednesday, May 15, 2013 1:24 PM
To: Mueller, Brian
Cc: Jonathan Carroll; tbyrd@lazarusenergy.com
Subject: Access To Property (Ingleside): Guidance

Mr. Mueller:

Thank you for speaking with me yesterday. We definitely intend to sign this agreement but wanted your guidance on the following:

1. Will we be added as additional insured when EA Engineering, Science, and Technology, Inc (EA) comes onto the property (Ingleside)?
2. Will we have notice of when the EPA or EA expect to be present and how long they would need to be at Ingleside?
3. Will the Consent for Access to Property have language to assure us that the wells will be properly closed, equipment removed, and the property returned to the same condition, except "normal wear and tear"?
4. Will this Consent for Access to Property include some limit on its duration, perhaps coupled with a practical process to extend the term if needed?
5. Can this Consent for Access to Property include some process whereby the EPA and/ or EA will provide us with copies of the data resulting from the sampling on Ingleside?

Looking forward to any and all feedback. Thank you in advance.

Kwame N. Cain

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